

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ALAN DEAN HILL,

Plaintiff,

v.

COREY ENGELBREKTSON, et al.,

Defendants.

No. 2:24-cv-01904-DC-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
PLAINTIFF'S COMPLAINT WITHOUT
PREJUDICE

(Doc. No. 12)

Plaintiff Michael Alan Dean Hill is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 28, 2025, the assigned magistrate judge screened Plaintiff's second amended complaint and issued findings and recommendations recommending this action be dismissed, without leave to amend, due to Plaintiff's failure to state a cognizable claim upon which relief may be granted. (Doc. No. 12 at 4.) Specifically, the magistrate judge found that Plaintiff may only challenge his conviction by way of a federal habeas petition if the criminal proceedings regarding Plaintiff's September 2022 criminal trial are complete. (*Id.* at 3.) The magistrate judge declined to convert this action into a habeas petition because none of the named defendants would be a proper respondent in a habeas petition and it is unclear if Plaintiff's claims have been

1 exhausted for habeas purposes by way of presentation to the California Supreme Court. (*Id.* at 4.)
2 For these reasons, the magistrate judge found that dismissal of this action without prejudice is
3 appropriate so that Plaintiff may initiate a separate habeas action. (*Id.*) The magistrate judge
4 averred that further leave to amend in this case is unwarranted because it appears Plaintiff is not
5 capable of stating a cognizable section 1983 claim. (*Id.*)

6 Those findings and recommendations were served on the parties and contained notice that
7 any objections thereto were to be filed within fourteen (14) days after service. (*Id.*) To date, no
8 objections to the findings and recommendations have been filed, and the time in which to do so
9 has now passed.

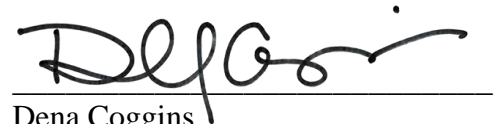
10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
11 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
12 and recommendations to be supported by the record and by proper analysis.

13 Accordingly,

- 14 1. The findings and recommendations issued on February 28, 2025 (Doc. No. 12) are
15 ADOPTED in full;
 - 16 2. This action is dismissed without leave to amend for failure to state a cognizable
17 claim for relief; and
 - 18 3. The Clerk of the Court is directed to close this case.
- 19
20

21 IT IS SO ORDERED.

22 Dated: April 15, 2025


Dena Coggins
United States District Judge